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U.S. DISTRICT COURT
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United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 30, 2014

RECEIVED IN CHAMBERS
OF LOUIS L. STANTON

JUN 02 2014

UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

BY HAND and ECF

Honorable Louis L. Stanton
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *American International Group, Inc. v. United States*, 09 Civ. 1871 (LLS)

Dear Judge Stanton:

We write on behalf of the United States, the defendant in the above-referenced matter. Pursuant to Rule 10(e) of the Federal Rules of Appellate Procedure, we respectfully request that certain information be publically docketed and reflected on the docket sheet in order to conform the district court record with that presented on appeal. AIG consents to the Government's request.

As Your Honor is aware, AIG renewed its motion for partial summary judgment on August 1, 2012. *See* Dkt. Entry Nos. 109-111. The Government served and submitted its opposition papers to the Court on October 9, 2012. *See* Letter to the Court, dated October 9, 2012. The Government's opposition papers included the following documents:

1. Memorandum of Law in Opposition to AIG's Renewed Motion for Partial Summary Judgment;
2. The Government's Response to Plaintiff's Statement of Undisputed Facts in Support of Renewed Motion for Summary Judgment and Statement of Additional Facts as to Which the United States Contends That There is a Genuine Issue to be Tried;
3. Rule 56(d) Declaration of James Nicholas Boeving, which included Exhibits A through I;
4. Second Declaration of John D. Clopper, which included Exhibits 218 through 274.

AIG responded to the Government's opposition on November 12, 2012. *See* Dkt. Entry Nos. 120-121.

Because the Government's opposition papers included quotations from documents and testimony that AIG had designated Protected and/or Business Sensitive under the December 3, 2009 Stipulation and Order of Confidentiality, the Government transmitted its opposition papers directly to Chambers and asked that they not be docketed at that time to permit AIG an opportunity to determine whether to request that any portions of the Government's papers be filed under seal. *See* Letter to the Court, dated October 9, 2012.¹ AIG had ten days from October 9, 2012, to make the

¹ The Government's October 9 letter also requested that its opposition papers be deemed part of the official record in this case for purpose of any appeal and that its letter be docketed.

necessary application to file documents under seal. *See* Confidentiality Order, ¶ 12. As no such application was ever made, the Government requests that its opposition papers be publically docketed. The Government has enclosed a disc containing electronic copies of the Government's opposition papers, including the exhibits, which were delivered to the Court on October 9, 2012.

The Government further requests that the docket sheet in this matter be amended accordingly so as to accurately reflect the Government's opposition to AIG's renewed motion for partial summary judgment, and that the supplemented record be certified and forwarded to the Second Circuit.

We thank the Court for its consideration of these requests.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/ James Nicholas Boeving

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Encl.

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So
Order
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6/6/14